

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

v.

CARLOS DAVID CARO

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Criminal Number 1:06CR00001

MOTION TO COMPEL PRODUCTION OF HANDWRITING SAMPLES

The United States, by counsel, moves the court for the entry of an order compelling the defendant, CARLOS DAVID CARO, to provide handwriting samples suitable for comparison purposes, to the United States. In support of its motion, the United States represents to the court:

1. On or about January 27, 2004, law enforcement officers seized, pursuant to a search warrant, an envelope containing a letter allegedly written by the defendant. Law enforcement seized other documents allegedly written by the defendant from the penitentiary post office. Handwriting samples were not obtained from the defendant.

2. In a report dated October 15, 2004, Forensic Analyst Jeannette Brown stated, "if future examinations are desired, it is suggested that dictated known handwriting and hand printing be obtained . . . in the same wording and format as the questioned writing. Numerous repetitions should be prepared on envelopes and lined paper similar in size" to the questioned writing.

3. It is essential for the United States to confirm that the defendant is the author of one or more of the questioned writings. To that end, the United States proposes to submit handwriting samples from the defendant to the lab for comparison purposes.

Wherefore, the United States moves the court for the entry of an order compelling the defendant forthwith to provide to FBI SA Douglas Fender and /or SIS SA David Mrad dictated known handwriting and hand printing in the same wording and format as the questioned writings; that the defendant provide numerous repetitions as directed by the agent(s) on envelopes and lined paper similar in size to the questioned writings, to be provided to the FBI laboratory for comparison purposes.

Respectfully submitted,
JOHN L. BROWNLEE
United States Attorney

Dated: June 8 , 2006

s/ Anthony P. Giorno
Assistant United States Attorney
VSB #15830
United States Attorney's Office

C E R T I F I C A T E

I hereby certify that a true and correct copy of the foregoing MOTION TO COMPEL PRODUCTION OF HANDWRITING SAMPLES has been electronically filed by CM/ECF system which will send notification of such filing to Stephen Kalista, Esq. and James Simmons, Esq. on this 8th day of June, 2006.

s/ Anthony P. Giorno
Assistant United States Attorney